

House Amendment 8541

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1 1 Amend House File 2780 as follows:
1 2 #1. Page 10, by inserting before line 24 the
1 3 following:
1 4 <DIVISION ____
1 5 DIVISION NAME CHANGE
1 6 Sec. _____. Section 135C.25, subsection 1, Code
1 7 2005, is amended to read as follows:
1 8 1. Each health care facility shall have a resident
1 9 advocate committee whose members shall be appointed by
1 10 the director of the department of elder affairs or the
1 11 director's designee. A person shall not be appointed
1 12 a member of a resident advocate committee for a health
1 13 care facility unless the person is a resident of the
1 14 service area where the facility is located. The
1 15 resident advocate committee for any facility caring
1 16 primarily for persons with mental illness, mental
1 17 retardation, or a developmental disability shall only
1 18 be appointed after consultation with the administrator
1 19 of the division of mental health and ~~developmental~~
1 20 ~~disabilities~~ disability services of the department of
1 21 human services on the proposed appointments.
1 22 Recommendations to the director or the director's
1 23 designee for membership on resident advocate
1 24 committees are encouraged from any agency,
1 25 organization, or individual. The administrator of the
1 26 facility shall not be appointed to the resident
1 27 advocate committee and shall not be present at
1 28 committee meetings except upon request of the
1 29 committee.
1 30 Sec. _____. Section 217.6, unnumbered paragraph 2,
1 31 Code 2005, is amended to read as follows:
1 32 The department of human services may be initially
1 33 divided into the following divisions of
1 34 responsibility: the division of child and family
1 35 services, the division of mental health and
1 36 ~~developmental disabilities~~ disability services, the
1 37 division of administration, and the division of
1 38 planning, research and statistics.
1 39 Sec. _____. Section 217.10, Code 2005, is amended to
1 40 read as follows:
1 41 217.10 ADMINISTRATOR OF DIVISION OF MENTAL HEALTH
1 42 AND ~~DEVELOPMENTAL DISABILITIES~~ DISABILITY SERVICES.
1 43 The administrator of the division of mental health
1 44 and ~~developmental disabilities~~ disability services
1 45 shall be qualified as provided in section 225C.3,
1 46 subsection 3. The administrator's duties are
1 47 enumerated in section 225C.4.
1 48 Sec. _____. Section 221.2, Code 2005, is amended to
1 49 read as follows:
1 50 221.2 ADMINISTRATOR.
2 1 Pursuant to the compact, the administrator of the
2 2 division of mental health and ~~developmental~~
2 3 ~~disabilities~~ disability services of the department of
2 4 human services shall be the compact administrator.
2 5 The compact administrator may cooperate with all
2 6 departments, agencies, and officers of this state and
2 7 its subdivisions in facilitating the proper
2 8 administration of the compact and of any supplementary
2 9 agreement entered into by this state under the
2 10 compact.
2 11 Sec. _____. Section 225C.2, subsections 1 and 7,
2 12 Code 2005, is amended to read as follows:
2 13 1. "Administrator" means the administrator of the
2 14 division of mental health and ~~developmental~~
2 15 ~~disabilities~~ disability services of the department of human services.
2 16 7. "Division" means the division of mental health
2 17 and ~~developmental disabilities~~ disability services of
2 18 the department of human services.
2 19 Sec. _____. Section 225C.13, subsection 2, Code
2 20 Supplement 2005, is amended to read as follows:
2 21 2. ~~The division administrator of the division of~~
2 22 ~~mental health and developmental disabilities~~ may work
2 23 with the appropriate administrator of the department's
2 24 institutions to establish mental health and mental

2 25 retardation services for all institutions under the
2 26 control of the director of human services and to
2 27 establish an autism unit, following mutual planning
2 28 and consultation with the medical director of the
2 29 state psychiatric hospital, at an institution or a
2 30 facility administered by the department to provide
2 31 psychiatric and related services and other specific
2 32 programs to meet the needs of autistic persons, and to
2 33 furnish appropriate diagnostic evaluation services.

2 34 Sec. _____. Section 230A.1, Code 2005, is amended to
2 35 read as follows:

2 36 230A.1 ESTABLISHMENT AND SUPPORT OF COMMUNITY
2 37 MENTAL HEALTH CENTERS.

2 38 A county or affiliated counties, by action of the
2 39 board or boards of supervisors, with approval of the
2 40 administrator of the division of mental health and
2 41 ~~developmental disabilities~~ disability services of the
2 42 department of human services, may establish a
2 43 community mental health center under this chapter to
2 44 serve the county or counties. This section does not
2 45 limit the authority of the board or boards of
2 46 supervisors of any county or group of counties to
2 47 continue to expend money to support operation of the
2 48 center, and to form agreements with the board of
2 49 supervisors of any additional county for that county
2 50 to join in supporting and receiving services from or
3 1 through the center.

3 2 Sec. _____. Section 230A.13, unnumbered paragraph 2,
3 3 Code 2005, is amended to read as follows:

3 4 Release of administrative and diagnostic
3 5 information, as defined in section 228.1, ~~subsections~~

3 6 ~~1 and 3,~~ and demographic information necessary for
3 7 aggregated reporting to meet the data requirements

3 8 established by the department of human services,
3 9 division of mental health and ~~developmental~~
3 10 ~~disabilities~~ disability services, relating to an
3 11 individual who receives services from a community
3 12 mental health center through the applicable central
3 13 point of coordination process, may be made a condition
3 14 of support of that center by any county under this
3 15 section.

3 16 Sec. _____. Section 230A.16, unnumbered paragraph 1,
3 17 Code 2005, is amended to read as follows:

3 18 The administrator of the division of mental health
3 19 and ~~developmental disabilities~~ disability services of
3 20 the department of human services shall recommend and
3 21 the mental health, mental retardation, developmental
3 22 disabilities, and brain injury commission shall adopt
3 23 standards for community mental health centers and
3 24 comprehensive community mental health programs, with
3 25 the overall objective of ensuring that each center and
3 26 each affiliate providing services under contract with
3 27 a center furnishes high quality mental health services
3 28 within a framework of accountability to the community
3 29 it serves. The standards shall be in substantial
3 30 conformity with those of the psychiatric committee of
3 31 the joint commission on accreditation of health care
3 32 organizations and other recognized national standards
3 33 for evaluation of psychiatric facilities unless in the
3 34 judgment of the administrator of the division of
3 35 mental health and ~~developmental disabilities~~
3 36 disability services, with approval of the mental
3 37 health, mental retardation, developmental
3 38 disabilities, and brain injury commission, there are
3 39 sound reasons for departing from the standards. When
3 40 recommending standards under this section, the
3 41 administrator of the division shall designate an
3 42 advisory committee representing boards of directors
3 43 and professional staff of community mental health
3 44 centers to assist in the formulation or revision of
3 45 standards. At least a simple majority of the members
3 46 of the advisory committee shall be lay representatives
3 47 of community mental health center boards of directors.
3 48 At least one member of the advisory committee shall be
3 49 a member of a county board of supervisors. The
3 50 standards recommended under this section shall include
4 1 requirements that each community mental health center
4 2 established or operating as authorized by section
4 3 230A.1 shall:

4 4 Sec. _____. Section 230A.16, subsection 3, Code
4 5 2005, is amended to read as follows:

4 6 3. Arrange for the financial condition and
4 7 transactions of the community mental health center to
4 8 be audited once each year by the auditor of state.
4 9 However, in lieu of an audit by state accountants, the
4 10 local governing body of a community mental health
4 11 center organized under this chapter may contract with
4 12 or employ certified public accountants to conduct the
4 13 audit, pursuant to the applicable terms and conditions
4 14 prescribed by sections 11.6 and 11.19 and audit format
4 15 prescribed by the auditor of state. Copies of each
4 16 audit shall be furnished by the accountant to the
4 17 administrator of the division of mental health and
4 18 ~~developmental disabilities~~, disability services and
4 19 the board of supervisors supporting the audited
4 20 community mental health center.

4 21 Sec. _____. Section 230A.17, Code 2005, is amended
4 22 to read as follows:
4 23 230A.17 REVIEW AND EVALUATION.
4 24 The administrator of the division of mental health
4 25 and ~~developmental disabilities~~ disability services of
4 26 the department of human services may review and
4 27 evaluate any community mental health center upon the
4 28 recommendation of the mental health, mental
4 29 retardation, developmental disabilities, and brain
4 30 injury commission, and shall do so upon the written
4 31 request of the center's board of directors, its chief
4 32 medical or administrative officer, or the board of
4 33 supervisors of any county from which the center
4 34 receives public funds. The cost of the review shall
4 35 be paid by the division.

4 36 Sec. _____. Section 262.70, Code 2005, is amended to
4 37 read as follows:
4 38 262.70 EDUCATION, PREVENTION, AND RESEARCH
4 39 PROGRAMS IN MENTAL HEALTH AND ~~MENTAL RETARDATION~~
4 40 DISABILITY SERVICES.
4 41 The division of mental health and ~~developmental~~
4 42 ~~disabilities~~ disability services of the department of
4 43 human services may contract with the board of regents
4 44 or any institution under the board's jurisdiction to
4 45 establish and maintain programs of education,
4 46 prevention, and research in the fields of mental
4 47 health, ~~and~~ mental retardation, ~~developmental~~
4 48 ~~disabilities, and brain injury~~. The board may
4 49 delegate responsibility for these programs to the
4 50 state psychiatric hospital, the university hospital,
5 1 or any other appropriate entity under the board's
5 2 jurisdiction.

5 3 Sec. _____. Section 331.440A, subsection 7,
5 4 paragraph a, subparagraph (3), Code 2005, is amended
5 5 to read as follows:
5 6 (3) One individual designated by the division of
5 7 medical services of the department of human services
5 8 and one individual designated by the division of
5 9 mental health and ~~developmental disabilities~~
5 10 disability services of the department of human
5 11 services.

5 12 Sec. _____. Section 331.756, subsection 45, Code
5 13 Supplement 2005, is amended to read as follows:
5 14 45. Appear on behalf of the administrator of the
5 15 division of mental health and ~~developmental~~
5 16 ~~disabilities~~ disability services of the department of
5 17 human services in support of an application to
5 18 transfer a person with mental illness who becomes
5 19 incorrigible and dangerous from a state hospital for
5 20 persons with mental illness to the Iowa medical and
5 21 classification center as provided in section 226.30.

5 22 Sec. _____. CODE EDITOR == NAME CHANGE DIRECTIVE.
5 23 The Code editor shall revise the headnote to section
5 24 225C.3 to reflect the change in the name of the
5 25 division of mental health and developmental
5 26 disabilities to the division of mental health and
5 27 disability services made pursuant to this division of
5 28 this Act.

5 29 Sec. _____. REQUIREMENT TO REESTABLISH DIVISION.
5 30 The general assembly finds that the scope and
5 31 importance of the department of human services' duties
5 32 under law involving mental health, mental retardation,
5 33 developmental disabilities, and brain injury services
5 34 justifies assigning those duties to a separate
5 35 division in place of the current practice in which the
5 36 duties are assigned to a division serving many

5 37 disparate populations. Therefore, during the fiscal
5 38 year beginning July 1, 2006, contingent upon the
5 39 appropriation of funding for this purpose, the
5 40 director of human services shall reestablish a
5 41 separate division, to be known as the division of
5 42 mental health and disability services, and shall
5 43 appropriately assign to that division the department's
5 44 duties under law involving such services.>
5 45 #2. Title page, line 7, by inserting after the
5 46 word <support,> the following: <changing the name of
5 47 a departmental division,>.
5 48 #3. By renumbering as necessary.
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